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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,695	06/28/2000	Steven Michael Schein	108.0003-00000	6334

22882 7590 06/09/2005

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EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,695

Applicant(s)

SCHEIN, STEVEN MICHAEL

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-15,17-20,22,23 and 25-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-15,17-20,22,23 and 25-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-7, 9-15, 17-20, 22, 23 and 25-37 have been examined.

Response to Amendment

2. The Amendment filed on 1/17/05 is sufficient to overcome the Ginter reference. A new reference has been added to the 35 USC 103 rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9-15, 17-20, 22, 23 and 25-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter (5,892,900) in view of Gerace (5,848,396).

As per independent claim 1, Ginter (col. 325,11. 1-67) discloses:

"target content object. . . ."

Ginter (col. 197,11. 42-65) discloses: "This mechanism could be used... to distribute customized versions of a piece of content and control access to the various versions in the content object. . . ."

Ginter (col. 38,11. 35-67; col. 138,11. 3-67; col. 156,11. 25-47; and col. 265,11. 28-67; col. 266,11. 1-67; col. 267,11. 1-67; col. 268,11. 1-67; and col. 269,11. 1-67) discloses: "smart object agents. . . ."

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Ginter (col. 152, 11. 28-39; col. 154, 11. 41-67; and col. 174, 11.

22-35) discloses: "collect data on end user usage activities. . . ."

*Ginter (col. 137, 11. 3-67; col. 138, 11. 1-67; col. 301, 11. 65-67; and
col. 302, 11. 115) shows "media content. . . ."*

*Ginter (the ABSTRACT; cot. 325, 11. 1-67; cot. 197, 11. 42-65; cot. 38, 11. 35-67; cot.
138, 11. 3-67; cot. 156, 11. 25-47; and col. 265, 11. 28-67; cot. 266, 11. 1-67; cot. 267, 11. 1-67;
cot. 268, 11. 1-67; cot. 269, 11. 1-67; cot. 152, 11. 28-39; cot. 154, 11. 41-67; and cot. 174, 11. 22-
35 and whole document) shows the elements and limitations of claim 1; however,*

*Ginter lacks an explicit recitation of "a data reporter for collecting user
activity information representing exercise of a first media object by said at least one
user. . . ." even though;*

*Ginter (cot. 152, 11. 28-39; cot. 154, 11. 41-67; cot. 174, 11. 22-35; cot.
137, 11. 367; cot. 138, 11. 1-67; cot. 301, 11. 65-67; and cot. 302, 11. 1-15) discloses:
"collect data on end user usage activities. . . ." In this case, the Examiner interprets
the disclosure of*

*Ginter (cot. 152, 11. 28-39; cot. 154, 11. 41-67; cot. 174, 11. 22-35; cot. 137, 11. 3-67;
cot. 138, 11. 1-67; cot. 301, 11. 65-67; and cot. 302, 11. 1-15) i.e., "collect data on end
user usage activities..... as showing "a data reporter for collecting user activity
information representing exercise of a first media object by said at least one user. . .*

."

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It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of inter (cot. 152, 11. 28-39; cot. 154, 11. 41-67; cot. 174, 11. 22-35; cot. 137, 11. 3-67; cot. 138, 11. 1-67; cot. 301, 11. 65-67; and cot. 302, lt. 115) would have been selected in accordance with "a data reporter for collecting user activity information representing exercise of a first media object by said at least one user. . . ." because such disclosure would have provided a method enabling 'participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements,' (See'n er col. 8, 11. 40-49).

As per dependent claims 2-8, inter shows the method of claim 1 and subsequent base claims depending from claim 1.

in e (cot. 137, 11. 3-67; cot. 138, 11. 1-67; cot. 301, 11. 65-67; cot. 302, 11. 1-15; the ABSTRACT; cot. 325, 11. 1-67; cot. 197, 11. 42-65; cot. 38, 11. 35-67; cot. 138, 11. 367; cot. 156, 11. 25-47; and cot. 265, 11. 28-67; col. 266, 11. 1-67; cot. 267, 11. 1-67; cot. 268, 11. 1-67; cot. 269, 11. 1-67; cot. 152, 11. 28-39; cot. 154, 11. 41-67; and cot. 174, 11. 22-35 and whole document) shows the elements and limitations of claims 2-8.

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Ginter lacks explicit recitation of the elements and limitations of claims 2-8, even though Ginter suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of inter (cot. 137,11. 3-67; cot. 138,11. 1-67; col. 301, 11. 65-67; cot. 302,11. 1-15; the ABSTRACT; cot. 325,11. 1-67; cot. 197,11. 42-65; cot. 38,11. 35-67; col. 138,11. 3-67; cot. 156,11. 25-47; and cot. 265,11. 28-67; cot. 266,11. 167; cot. 267,11. 1-67; cot. 268,11. 1-67; cot. 269,11. 1-67; cot. 152, 11. 28-39; cot. 154,11.

41-67; and cot. 174,11. 22-35 and whole document) would have been selected in accordance with the elements and limitations of claims 2-8 because such disclosure would have provided a method enabling *"participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements."* (See 'ter cot. 8,11. 40-49).

Independent claim 9 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 10-16, in e shows the method of claim 9 and subsequent base claims depending from claim 9.
Ginter (cot. 137,11. 3-67; cot. 138,11. 1-67; cot. 301,11. 65-67; cot. 302,11. 1-15; the ABSTRACT; cot. 325,11. 1-67; cot. 197,11. 42-65; cot. 38,11. 35-67; cot. 138,11. 367; cot. 156,11. 25-47; and cot. 265,11. 28-67; cot. 266,11. 1-67; cot. 267,11.

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1-67; col. 268,11. 1-67; col. 269,11. 1-67; col. 152, 11. 28-39; col. 154,11.-41-67; and col. 174,11. 22-35 and whole document) shows the elements and limitations of claims 10-16.

Ginter lacks explicit recitation of the elements and limitations of claims 10-16, even though Ginter suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 137,11. 3-67; col. 138,11. 1-67; col. 301,

11. 65-67; col. 302,11. 1-15; the ABSTRACT; col. 325,11. 1-67; col. 197,11. 42-65; col. 38, 11. 35-67; col. 138,11. 3-67; col. 156,11. 25-47; and col. 265,11. 28-67; col. 266, 11. 167; col. 267,11. 1-67; col. 268,11. 1-67; col. 269,11. 1-67; Col. 152, 11. 28-39; col. 154, lt. 41-67; and col. 174,11. 22-35 and whole document) would have been selected in accordance with the elements and limitations of claims 10-16 because such disclosure would have provided a method enabling *"participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements."* (See Ginter col. 8,11. 40-49).

As per independent claim 17, Ginter (col. 325,11. 1-67) discloses:
"target content object....."

Ginter (col. 50,11. 50-52) discloses: *"FIG. 15A is an example of a channel header and channel detail records. . . ."*

Ginter (col. 109, 11. 42-50; and col. 111, 11. 16-40) discloses: *"relevant headers, content tags. . . ."*

Gin (col. 311, 11. 30-60) discloses: *"account profile that may relate to such content to the repository. . . ."*

Ginter(col. 197,11. 42-65) discloses: *"This mechanism could be used ... to distribute customized versions of a piece of content and control access to the various versions in the content object."*

Ginter (col. 38,11. 35-67; col. 138,11. 3-67; col. 156,11. 25-47; and col. 265,11. 28-67; col. 266,11. 1-67; col. 267,11. 1-67; col. 268,11. 1-67; and col. 269,11.1-67) discloses: *"smart object agents. . . ."*

Ginter (col. 152, 11. 28-39; col. 154,11. 41-67; and col. 174,11. 22-35) discloses: *"collect data on end user usage activities. . . ."*

Ginter (col. 137,11. 3-67; col. 138,11. 1-67; col. 301,11. 65-67; and col. 302,11. 115) shows "media content.....
Ginter (the ABSTRACT; col. 325,11. 1-67; col. 197,11. 42-65; col. 38,11. 35-67; col. 138, 11. 3-67; col. 156,11. 25-47; and col. 265,11. 28-67; col. 266,11. 1-67; col. 267,11. 1-67; col. 268,11. 1-67; col. 269,11. 1-67; col. 152, 11. 28-39; col. 154,11. 41-67; and col. 174,11. 22-35 and whole document) shows the elements and limitations of claim 17; however,

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Ginter lacks an explicit recitation of "a header so that a media object profile is created for each media object..... even though; Ginter (col. 109,11. 42-50; col. 111,11. 16-40; col. 311,11. 30-60; col. 137,11.3-67; col. 138,11. 1-67; col. 301, 11. 65-67; and col. 302,11. 1-15) suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of inter (col. 109, 11. 42-50; col. 111, 11. 16-40; col. 311, 11. 30-60; col. 137,11. 3-67; col. 138,11. 1-67; col. 301,11. 65-67; and col. 302,11. 115) would have been selected in accordance with "a header so that a media object profile is created for each media object. . . ." because such disclosure would have provided a method enabling *participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.* " (See inter col. 8,11. 40-49).

As per dependent claims 18-21, inter shows the method of claim 17 and subsequent base claims depending from claim 17.

Ginter lacks explicit recitation of the elements and limitations of claims

18-21, even though inter suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of inter (col. 137,11. 3-67; col. 138,11. 1-67; col. 301, 11. 65-67; col. 302,11. 1-15; the ABSTRACT; col. 325,11. 1-67; col. 197,11. 42-65; col. 38,11. 35-67; col. 138,11. 3-67; col. 156,11. 25-47;

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and col. 265,11. 28-67; col. 266,11. 167; col. 267,11. 1-67; col. 268,11. 1-67; col. 269,11. 1-67; col. 152, 11. 28-39; col. 154,11. 41-67; and col. 174,11. 22-35 and whole document) would have been selected in

accordance with the elements and limitations of claims 18-21 because such disclosure would have provided a method enabling 'participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements. " (See Gin col. 8,11. 4049).

As per independent claim 22, inter (col. 38,11. 35-67; col. 138,11. 3-67; col. 156,11. 25-47; and col. 265,11. 28-67; col. 266,11. 1-67; col. 267,11. 1-67; col. 268,11. 1-67; and col. 269,11. 1-67) discloses: "smart object agents. . . ."

Ginter (col. 325,11. 1-67) discloses: "target content object. . . ."

Ginter (col. 197,11. 42-65) discloses: "This mechanism could be used ... to distribute customized versions of a piece of content and control access to the various versions in the content object....."

Ginter (col. 152, 11. 28-39; col. 154,11. 41-67; and col. 174,11. 22-35) discloses: "collect data on end user usage activities. . . ."

Ginter (col. 137,11. 3-67; col. 138,11. 1-67; col. 301,11. 65-67; and col. 302,11. 115) shows "media content. . . ."

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Ginter (col. 311, 11. 30-60) discloses: "account profile that may relate to such content to the repository.....

Ginter (the ABSTRACT; col. 311,11. 30-60; col. 325,11. 1-67; col. 197,11. 4265; col. 38,11. 35-67; col. 138,11. 3-67; col. 156,11. 25-47; and col. 265,11. 28-67; col. 266,11. 1-67; col. 267,11. 1-67; col. 268,11. 1-67; col. 269,11. 1-67; col. 152, 11. 28-39; col. 154,11. 41-67; and col. 174,11. 22-35 and whole document) shows the elements and limitations of claim 22; however,

Ginter lacks an explicit recitation of "a media object profile portion containing information gathered from a plurality of users representing exercise of said media object by said plurality of users. . . ." even though;

Ginter (col. 109,11. 42-50; col. 111,11. 16-40; col. 311,11. 30-60; col. 137,11. 3-67; col. 138,11. 1-67; col. 301,11. 65-67; and col. 302,11. 1-15) suggests same. . It would have been obvious at the time of the invention to a person of ordinary

skill in the art that the disclosure of inter (col. 109,11. 42-50; col. 111,11. 16-40; col. 311, 11. 30-60; col. 137,11. 3-67; col. 138,11. 1-67; col. 301,11. 65-67; and col. 302,11. 115) would have been selected in accordance with "a media object profile portion containing information gathered from a plurality of users representing exercise of said media object by said plurality of users. . . ." because such disclosure would have provided a method enabling *"participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements. "* (See inter col. 8,11. 40-49).

As per dependent claims 23-24, inter shows the method of claim 22 and subsequent base claims depending from claim 22.

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Ginter lacks explicit recitation of the elements and limitations of claims

23-24, even though inter suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of i to (col. 137, ll. 3-67; col. 138, ll. 1-67; col. 301, ll. 65-67; col. 302, ll. 1-15; the ABSTRACT; col. 325, ll. 1-67; col. 197, ll. 42-65; col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 167; col. 267, ll. 1-67; col. 268, ll. 1-67; col. 269, ll. 1-67; col. 152, ll. 28-39; col. 154, ll. 41-67; and col. 174, ll. 22-35 and whole document) would have been selected in accordance with the elements and limitations of claims 23-24 because such disclosure would have provided a method enabling *participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.*

"(See inter col. 8, ll. 4049).

As per independent claim 25, in r (col. 38, ll. 35-67; col. 138, ll. 3-67; col. 156, ll. 25-47; and col. 265, ll. 28-67; col. 266, ll. 1-67; col. 267, ll. 1-67; col. 268, ll. 167; and col. 269, ll. 1-67) discloses: "smart object agents. . . ."

Ginter (col. 325, ll. 1-67) discloses: "target content object.

Ginter (col. 50, ll. 50-52) discloses: "FIG. 15A is an example of a channel header and channel detail records.....

Ginter (col. 109, ll. 42-50; and col. 111, ll. 16-40) discloses: "relevant headers, content tags. . . ."

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Ginter (col. 311, 11. 30-60) discloses: "account profile that may relate to such content to the repository. . . ."

Ginter (col. 197,11. 42-65) discloses: "This mechanism could be used... to distribute customized versions of a piece of content and control access to the various versions in the content object. . . ."

Ginter (col. 152, 11. 28-39; col. 154,11. 41-67; and col. 174,11. 22-35) discloses: "collect data on end user usage activities....."

Ginter (col. 137,11. 3-67; col. 138,11. 1-67; col. 301,11. 65-67; and col. 302,11. 115) shows "media content. . . ."

Ginter (the ABSTRACT; col. 325,11. 1-67; col. 197,11. 42-65; col. 38,11.35-67; col. 138,11. 3-67; col. 156,11. 25-47; and col. 265,11. 28-67; col. 266,11. 1-67; col. 267, 11. 1-67; col. 268,11. 1-67; col. 269,11. 1-67; col. 152, 11. 28-39; col. 154,11. 41-67; and col.

174,11. 22-35 and whole document) shows the elements and limitations of claim 25; however,

Ginter lacks an explicit recitation of "detaching and decoding said coded header to obtain said profile, said profile containing user activity information representing exercise of said media object by users. . . ." even though;

Ginter (cot. 109,11. 42-50; cot. 111, 11. 16-40; cot. 311, 11. 30-60; cot. 137,11. 3-67; cot. 138,11. 1-67; cot. 301,11. 65-67; and cot. 302,11. 1-15) suggests same.

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It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of i ter (cot. 109,11. 42-50; cot. 111,11. 16-40; cot. 311,11. 30-60; cot. 137,11. 3-67; cot. 138,11. 1-67; cot. 301,11. 65-67; and cot. 302,11. 115) would have been selected in accordance with "detaching and decoding said coded header to obtain said profile, said profile containing user activity information representing exercise of said media object by users. . . ." because such disclosure would have provided a method enabling *"participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements. "* (See i ter cot. 8,11. 40-49).

As per dependent claim 26, i ter shows the method of claim 25.

Ginter lacks explicit recitation of the elements and limitations of claim 25, even though rote suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (col. 137,11. 3-67; col. 138,11. 1-67; col. 301, 11. 65-67; col. 302,11. 1-15; the ABSTRACT; col. 325,11. 1-67; col. 197,11. 42-65; col. 38,11. 35-67; col. 138,11. 3-67; col. 156,11. 25-47; and col. 265,11. 28-67; col. 266,11. 167; col. 267,11. 1-67; col. 268,11. 1-67; col. 269,11. 1-67; col. 152, 11. 28-39; col. 154, 11. 41-67; and col. 174,11. 22-35 and whole document) would have been selected in accordance with the elements and limitations of claim 25 because such disclosure would have provided a method enabling *"participants in a business value chain model to create an electronic version of traditional business agreement terms*

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and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.

" (See Ginter col. 8,11. 40-49).

As per independent claim 27, in e (col. 325,11. 1-67)
discloses: *"target content object. . . ."*

Ginter (col. 197,11. 42-65) discloses: *"This mechanism could be used ... to distribute customized versions of a piece of content and control access to the various versions in the content object. . . ."*

Ginter (col. 38,11. 35-67; cot. 138,11. 3-67; cot. 156,11. 25-47; and cot. 265, 11. 28-67; cot. 266,11. 1-67; cot. 267,11. 1-67; cot. 268,11. 1-67; and cot. 269,11. 1-67) discloses: *"smart object agents. . . ."*

Ginter(cot. 152, 11. 28-39; cot. 154,11. 41-67; and cot. 174,11. 22-35)
discloses: *"collect data on end user usage activities. . . ."*

Ginter (cot. 137,11. 3-67; cot. 138,11. 1-67; cot. 301,11. 65-67; and cot. 302, 11. 115) shows *"media content....."*

Ginter (the ABSTRACT; cot. 325,11. 1-67; cot. 197,11. 42-65; cot. 38,11. 35-67; cot. 138,11. 3-67; cot. 156,11. 25-47; and cot. 265,11. 28-67; cot. 266,11. 1-67; cot. 267,11. 1-67; cot. 268,11.1-67; cot. 269,11. 1-67; cot. 152, 11. 28-39; cot. 154,11. 41-67; and cot. 174,11. 22-35 and whole document) shows the elements and limitations of claim 27; however,

Ginter lacks an explicit recitation of *"collecting information form a plurality of users related to the viewing of at least one media object. . . ."* even though;

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Ginter (cot. 152, 11. 28-39; cot. 154,11. 41-67; cot. 174,11. 22-35; cot. 137,11. 367; cot. 138,11. 1-67; cot. 301,11. 65-67; and cot. 302,11. 1-15) discloses: "collect data on end user usage activities. . . ." In this case, the Examiner interprets the disclosure of in e (cot. 152, 11. 28-39; cot. 154,11. 41-67; cot. 174,11. 22-35; cot. 137,11. 3-67; cot. 138,11. 1-67; cot. 301,11. 65-67; and cot. 302,11. 1-15) i.e., "collect data on end user

usage activities..... as showing "collecting information form a plurality of users related to the viewing of at least one media object. . . ."

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of inter (cot. 152, 11. 28-39; cot. 154,11. 41-67; cot. 174,11. 22-35; cot. 137,11.3-67; cot. 138,11. 1-67; cot. 301,11. 65-67; and cot. 302,11. 115) would have been selected in accordance with "collecting information form a plurality of users related to the viewing of at least one media object. . . ." because such disclosure would have provided a method enabling *'participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements.*" (See Ginter cot. 8,11. 4049).

As per dependent claim 28, Ginter shows the method of claim 27.

Ginter lacks explicit recitation of the elements and limitations of claim 27, even though Ginter suggests same.

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It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (cot. 137,11. 3-67; cot. 138,11. 1-67; cot. 301, 11. 65-67; cot. 302,11. 1-15; the ABSTRACT; cot. 325,11. 1-67; cot. 197,11. 42-65; cot. 38,11. 35-67; cot. 138,11. 3-67; cot. 156,11. 25-47; and cot. 265,11. 28-67; cot. 266,11. 1-

67; col. 267,11. 1-67; col. 268,11. 1-67; cot. 269,11. 1-67; cot. 152, 11. 28-39; cot.

154,11. 41-67; and cot. 174,11. 22-35 and whole document) would have been selected in accordance with the elements and limitations of claim 28 because such disclosure would have provided a method enabling *"participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements."* (See inter cot. 8,11. 40-49).

As per independent claim 29, 'nter (cot. 325,11. 1-67) discloses: *"target content object....."*

Ginter (col. 311, 11. 30-60) discloses: *"account profile that may relate to such content to the repository. . . ."*

Ginter(cot. 152, 11. 28-39; cot. 154,11. 41-67; and cot. 174,11. 22-35) discloses: *"collect data on end user usage activities. . . ."*

Ginter (cot. 18,11. 38-67; cot. 19,11. 10; col. 25,11. 1-35; cot. 37,11. 15-67; col. 38, 11. 1-35; cot. 307,11. 5-30; and col. 338,11. 10-67) shows "collecting information from users of Internet links; correlating the collected information with at least one Internet link; creating an Internet link profile based on the correlated information; and selecting at least one Internet link based on the profile of a user requested link....."

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Ginter (col. 137,11. 3-67; col. 138,11. 1-67; col. 301,11. 65-67; and col.

302,11. 115) shows "media content...."

Ginter (the ABSTRACT; col. 325,11. 1-67; col. 197,11. 42-65; col. 38,11. 35-67; col. 138,11. 3-67; col. 156,11. 25-47; and col. 265,11. 28-67; col. 266,11. 1-67; col. 267, 11. 1-67; col. 268,11. 1-67; col. 269,11. 1-67; col. 152, 11. 28-39; col. 154,11. 41-67; and col. 174,11. 22-35 and whole document) shows the elements and limitations of claim 29; however,

Ginter lacks an explicit recitation of "collecting information from users of Internet links; correlating the collected information with at least one Internet link; creating an Internet link profile based on the correlated information; and selecting at least one Internet link based on the profile of a user requested link..... even though;

Ginter (col. 18,11. 38-67; col. 19, 11. 10; col. 25,11. 1-35; col. 37, 11. 15-67;

col. 38,11. 1-35; col. 307,11. 5-30; and col. 338,11. 10-67; the ABSTRACT; col.

325,11. 1-67; col. 197,11. 42-65; col. 38,11. 35-67; col. 138,11. 3-67; col. 156,11. 25-

47; and col. 265,

11. 28-67; col. 266,11. 1-67; col. 267,11. 1-67; col. 268,11. 1-67; col. 269,11. 1-67; col.

152, 11. 28-39; col. 154,11. 41-67; and col. 174,11. 22-35 and whole document)

suggests same. It would have been obvious at the time of the invention to a person of

ordinary skill in the art that the disclosure of Ginter (col. 18,11. 38-67; col. 19,11.

10; col. 25,11. 1-35; col. 37,11. 15-67; col. 38,11. 1-35; col. 307, 11. 5-30; and col.

338,11. 10-67; the ABSTRACT; col. 325,11. 1-67; col. 197,11. 42-65; col. 38,11.35-

67; col. 138,11. 3-67;

col. 156,11. 25-47; and col. 265,11. 28-67; col. 266,11. 1-67; col. 267,11. 1-67; col.

268,11. 1-67; col. 269,11. 1-67; col. 152, 11. 28-39; col. 154,11. 41-67; and col.

174,11. 22-35 and whole document) would have been selected in accordance with

"collecting information from users of Internet links; correlating the collected

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information with at least one Internet link; creating an Internet link profile based on the correlated information; and selecting at least one Internet link based on the profile of a user requested link. . . ." because such disclosure would have provided a method enabling *'participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements. "* (See inter col. 8,11. 40-49).

As per dependent claim 30, Ginter shows the method of claim 29.

Ginter lacks explicit recitation of the elements and limitations of claim 29, even though Ginter suggests same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of inte (col. 18,11. 38-67; col. 19,11. 10; col. 25,11. 135; col. 37,11. 15-67; col. 38,11. 1-35; col. 307,11. 5-30; and col. 338,11. 10-67) would have been selected in accordance with the elements and limitations of claim 30 because such disclosure would have provided a method enabling *'participants in a business value*

chain model to create an electronic version Of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements. " (See Ginter col. 8,11. 40-49).

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As per dependent claim 31, Ginter shows the method of claim 29.

Ginter lacks explicit recitation of the elements and limitations of claim 29, even though Ginter suggests the same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ginter (cot. 18,11. 38-67; cot. 19,11. 10; cot. 25,11. 135; cot. 37,11. 15-67; cot. 38,11. 1-35; col. 307,11. 5-30; and cot. 338,11. 10-67) would have been selected in accordance with the elements and limitations of claim 31 because such disclosure would have provided a method enabling *'participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements. '* (See Ginter col. 8,11. 40-49).

As per independent claim 32, Ginter (cot. 152, 11. 28-39; cot. 154,11. 41-67; and col. 174, 11. 22-35) discloses: *"collect data on end user usage activities. . . ."*

Ginter(col. 137,11. 3-67; col. 138, 11. 1-67; col. 301,11. 65-67; and col. 302, 11. 115) shows "media content. . . ." inter (the ABSTRACT; col. 325,11. 1-67; col. 197,11. 42-65; col. 38,11. 35-67; col. 138,11. 3-67; col. 156,11. 25-47; and col. 265,11. 28-67; col. 266,11. 1-67; col. 267,11. 1-67; col. 268,11. 1-67; col. 269,11. 1-67; col. 152, 11. 28-39; col. 154,11. 41-67; and col. 174,11. 22-35 and whole document) shows the elements and limitations of claim 32; however,

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Ginter lacks an explicit recitation of "a data reporter for collecting information form a plurality of users. . . ." even though;
Ginter(col. 152, 11. 28-39; col. 154,11. 41-67; col. 174,11. 22-35; col. 137,11. 3

67; col. 138,11. 1-67; col. 301,11. 65-67; and col. 302,11. 1-15) discloses: *"collect data on end user usage activities. . . ."* In this case, the Examiner interprets the disclosure of inter (col. 152, 11. 28-39; col. 154,11. 41-67; col. 174,11. 22-35; col. 137,11. 3-67; col. 138,11. 1-67; col. 301,11. 65-67; and col. 302,11. 1-15) i.e., "collect data on end user usage activities..... as showing "a data reporter for collecting information form a plurality of users. . . ."

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of inte (col. 152, 11. 28-39; col. 154,11. 41-67; col. 174,11. 22-35; col. 137,11. 3-67; col. 138,11. 1-67; col. 301,11. 65-67; and col. 302, 11. 115) would have been selected in accordance with "a data reporter for collecting

information form a plurality of users. . . ." because such disclosure would have provided a method enabling *'participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements. "* (See Ginter col. 8, 11. 40-49).

As per dependent claims 33-37, Ginter shows the method of claim 32 and subsequent base claims depending from claim 32.
Ginter lacks explicit recitation of the elements and limitations of claims 33-37, even though Ginter suggests same.

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It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of in er (col. 18,11. 38-67; col. 19,11. 10; Col. 25,11. 135; col. 37,11. 15-67; col. 38,11. 1-35; col. 307,11. 5-30; and col. 338,11. 10-67) would have been selected in accordance with the elements and limitations of claim 33-37 because such disclosure would have provided a method enabling *'participants in a business value chain model to create an electronic version of traditional business agreement terms and conditions and further enables these participants to shape and evolve their electronic commerce models as they believe appropriate to their business requirements. '* (See to col. 8,11. 40-49).

Additionally, Ginter discloses utilization of multimedia objects, audio, audio-visual, video, e-commerce:

“(73) Information distributed using VDE may take many forms. It may, for example, be "distributed" for use on an individual's own computer, that is the present invention can be used to provide security for locally stored data. Alternatively, VDE may be used with information that is dispersed by authors and/or publishers to one or more recipients. This information may take many forms including: movies, audio recordings, games, electronic catalog shopping, multimedia, training materials, E-mail and personal documents, object oriented libraries, software programming resources, and reference/record keeping information resources (such as business, medical, legal, scientific, governmental, and consumer databases)” (col 7, lines 45-57).

Ginter also discloses utilizing the Internet and links:

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“(570) If External Services Manager 772 is used to access VDE objects, many different techniques are possible. For example, the VDE objects may be formatted for use with the World Wide Web protocols (HTML, HTTP, and URL) by including relevant headers, content tags, host ID to URL conversion (e.g., using Name Services Manager 752) and an HTTP-aware instance of Services Transport Layer 786” (col 109, lines 41-50).

Also, Ginter discloses utilizing the Internet, targeting users, profiling users, tracking user activity, keeping a user activity history, and advertising (the above citations from the Ginter reference; the citations from the preceding rejection referring to the Ginter reference, throughout the Ginter reference; and below):

“(10) The present invention can materially enhance the revenue of content providers, lower the distribution costs and the costs for content, better support advertising and usage information gathering, and better satisfy the needs of electronic information users. These improvements can lead to a significant increase in the amount and variety of electronic information and the methods by which such information is distributed” (col 1, line 65-col 2, line 9).

Gerace discloses utilizing multimedia objects, audio, audio-visual, video, e-commerce, the Internet, website, links, and advertising (col 1, lines 20-45; col 3, lines 5-10; col 2, lines 35-42).

Gerace further discloses identifying specific media objects based on user activity with that same object or another object and targeting the specific media object to the user (col 2, lines 1-60; col 6, line 57-col 7, line 25; col 20, lines 9-19).

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Gerace further discloses a "smart media object" having a profile portion containing information gathered from a plurality of users representing exercise of the media object portion by the plurality of users (col 20, lines 9-20; col 18, lines 10-26; col 33, lines 55-col 34, line 25).

Gerace further discloses a method of targeting media objects to a user on-line wherein at least one Internet link based on the profile of a user requested link is delivered to the user with at least one additional link having a link profile matching at least one aspect of the profile of the requested link (col 16, lines 36-55; col 14, lines 24-35).

Gerace further discloses a "hidden search engine" that creates a profile for Internet links and selects at least one Internet link based on at least one aspect of each link profile for delivery with a user requested link to the user (col 16, lines 36-55; col 14, lines 24-35). Notice that in this citation from Gerace that Gerace presents specific banner advertising based on information known about that banner advertising and a determination as to how well suited that banner advertising is for presenting at a specific time or situation. Also, notice that the appropriateness of presenting the advertising is determined based on what is known about the advertising compared with a combination of information known about that user, the current information on display to the user, and the current information requested by the user.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gerace's further features on tracking user responses to content and targeting a user to Ginter's presenting a user content and profiling a user. One would have been motivated to do this in order to better present a user with information of interest.

Response to Arguments

4. Applicant's arguments with respect to claims 1-7,9-15,17-20,22,23 and 25-37 have been considered but are moot in view of the new ground(s) of rejection.

Please note the additional citations, explanations, and reference added at the section starting with, "Additionally, Ginter discloses utilization of multimedia objects, audio, audio-visual, video, e-commerce. . .".

Also, starting on page 9 of the Applicant's Amendment dated 1/17/05, Applicant states:

"There is no teaching, suggestion, or disclosure in Ginter for a system or method for identifying specific media objects based on user activity with that same object or another object and targeting the specific media object to the user. . .

With respect to independent claim 22, there is no teaching, disclosure, or suggestion in Ginter for a "smart media object" having a profile portion containing information gathered from a plurality of users representing exercise of the media object portion by the plurality of users. . .

With respect to independent claim 29, there is no teaching, disclosure, or suggestion in Ginter for "a method of targeting media objects to a user on-line wherein "at least one Internet link based on the profile of a user requested link is delivered to the user with "at least one additional link having a link profile matching at least one aspect of the profile of the requested link. . .

With respect to independent claims 32, there is no teaching, disclosure, or suggestion in Ginter for a "hidden search engine" that creates a profile for Internet links and selects at least one Internet link based on at least one aspect of each link profile for delivery with a user requested link to the user".

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Please see the above rejection to see how these arguments and concerns are addressed.

Please particularly note the additional citations, explanations, and reference added at the section starting with, "Additionally, Ginter discloses utilization of multimedia objects, audio, audio-visual, video, e-commerce. . .".

Also, Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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A handwritten signature in black ink, appearing to read 'Arthur Duran', written in a cursive style.

Arthur Duran
Patent Examiner
5/19/05